

CASE NO. 3:13-cv-01266-MMC  
STIPULATED NOTICE OF DISMISSAL

1 The parties to this action, Plaintiffs Steve Ellis, Tom Theobald, Jim Doan, Bill Rhodes,  
2 Center for Food Safety, Beyond Pesticides, Sierra Club, and Center for Environmental Health  
3 ("Plaintiffs"), Defendants Andrew Wheeler, Administrator of the United States Environmental  
4 Protection Agency ("EPA") and Richard P. Keigwin, Jr., Director, Office of Pesticide Programs,  
5 EPA ("Defendants"), and Defendant-Intervenors Bayer CropScience LP, Syngenta Crop  
6 Protection, LLC, Valent U.S.A. LLC, and CropLife America ("Defendant-Intervenors") (all  
7 together "the Parties") hereby stipulate under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) that  
8 this action be dismissed with prejudice as to all claims, causes of action and Parties.

9 Notwithstanding the dismissal of this action, the Parties agree and request that the Court  
10 retain jurisdiction following the dismissal to resolve any claims by Plaintiffs against Defendant  
11 EPA for attorney fees and costs. The Parties further agree and request that, pursuant to the  
12 Parties' Joint Stipulation, executed on or about February 28, 2019, as a condition of this  
13 stipulation, and under the authority of *Kokkonen v. Guardian Life Insurance Company of*  
14 *America*, 511 U.S. 375, 381-82 (1994), this Court retain continuing and exclusive jurisdiction to  
15 address allegations of non-performance of and to enforce the Joint Stipulation. The Joint  
16 Stipulation provides that the Parties' sole and exclusive remedy for failure to perform under the  
17 Joint Stipulation shall be to move Judge Corley for an order providing relief for: (1) a Defendant-  
18 Intervenor's failure to comply with its procedural obligations under Paragraph 1 of the Joint  
19 Stipulation; (2) EPA's failure to comply with its procedural obligations under Paragraphs 2 and 3  
20 of the Joint Stipulation and its procedural obligations under the Endangered Species Act Section  
21 7(a)(2) for the 59 pesticide registration decisions at issue, as adjudicated and specified in the  
22 Court's May 8, 2017, Order; and/or (3) a Plaintiff's failure to abide by Paragraph 5. Pursuant to  
23 28 U.S.C. § 636(c) and Local Civil Rule 73-1(b), the Parties consent to Judge Corley adjudicating  
24 any such allegations of failure to perform under the Joint Stipulation.

1 Dated: May 29, 2019.

Respectfully Submitted,



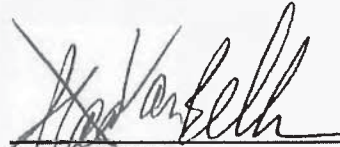
BEVERIDGE & DIAMOND, P.C.  
Kathryn E. Szmuszkovicz (DC Bar #388735)\*  
Anthony L. Michaels (DC Bar #458510)\*  
David A. Barker (DC Bar #486283)\*  
Daniel B. Schulson (DC Bar #991299)\*  
1350 I Street, N.W., Suite 700  
Washington, D.C. 20005-3311  
Telephone: (202) 789-6000  
Facsimile: (202) 789-6190  
Email: kes@bdlaw.com  
amichaels@bdlaw.com  
dbarker@bdlaw.com  
dschulson@bdlaw.com

Gary J. Smith (SBN 141393)  
456 Montgomery Street, Suite 1800  
San Francisco, CA 94104-1251  
Telephone: (415) 262-4000  
Facsimile: (415) 262-4040  
Email: gsmith@bdlaw.com

CROWELL & MORING LLP  
Kirsten L. Nathanson (DC Bar #463992)\*  
Elizabeth B. Dawson (DC Bar #230818)  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2595  
Telephone: (202) 624-2500  
Facsimile: (202) 628-5516  
Email: knathanson@crowell.com  
edawson@crowell.com

Tracy E. Reichmuth (State Bar #215458)  
275 Battery Street, 23rd Floor  
San Francisco, CA 94111  
Telephone: (415) 986-2800  
Facsimile: (415) 986-2827  
Email: treichmuth@crowell.com

*Counsel for Defendant-Intervenors Bayer  
CropScience LP, Syngenta Crop Protection,  
LLC, and Valent U.S.A. Corporation*



LATHAM & WATKINS LLP

Claudia M. O'Brien (DC Bar #447354)\*

Stacey L. VanBellegghem (DC Bar #988144)\*

555 Eleventh Street, N.W., Suite 1000

Washington, D.C. 20004-1304

Telephone: (202) 637-2200

Facsimile: (202) 637-2201

Email: claudia.o'brien@lw.com

stacey.vanbellegghem@lw.com

Andrea M. Hogan (SBN 238209)

505 Montgomery Street, Suite 2000

San Francisco, CA 94111-6538

Telephone: (415) 391-0600

Facsimile: (415) 395-8095

Email: andrea.hogan@lw.com

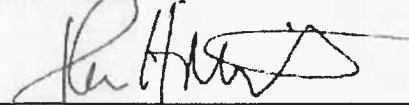
*Attorneys for Defendant-Intervenor CropLife  
America*

JEAN E. WILLIAMS

Deputy Assistant Attorney General

Environment & Natural Resources Division

United States Department of Justice



LESLIE M. HILL (DC Bar No. 476008)

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

601 D Street N.W., Suite 8000

Washington D.C. 20004

Telephone (202) 514-0375

Facsimile (202) 514-8865

Email: Leslie.Hill@usdoj.gov

JOHN H. MARTIN (CO Bar No. 32667)

U.S. Department of Justice

Environment & Natural Resources Division

Wildlife & Marine Resources Section

999 18th Street, South Terrace, Suite 370

Denver, CO 80202

Telephone (303) 844-1383

Email: john.h.martin@usdoj.gov

*Counsel for Defendants*



GEORGE A. KIMBRELL\*

AMY VAN SAUN\*

Center for Food Safety

2009 NE Alberta Street, Suite 207

Portland, OR 97211

Telephone: (971) 271-7372

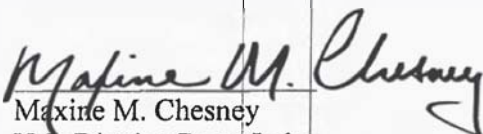
Email: [gkimbrell@centerforfoodsafety.org](mailto:gkimbrell@centerforfoodsafety.org)

[avansaun@centerforfoodsafety.org](mailto:avansaun@centerforfoodsafety.org)

*Counsel for Plaintiffs*

\* Admitted *Pro Hac Vice*

IT IS SO ORDERED

  
Maxine M. Chesney  
U.S. District Court Judge

Dated: May 31, 2019